

REMARKS

Claims 7-11, 14-15 and 20-26 are all the claims pending in the application. Claims 7, 14, 15 and 21 are being amended.

I. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 7-11, 14-15 and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over Hoyer, et al. (US 6,381,635), hereinafter “Hoyer,” in view of Klug, et al. (US 5,996,007), hereinafter “Klug.”

The Applicant respectfully disagrees, and submits that neither Hoyer nor Klug, taken alone or in combination, provide the requisite teaching, suggestion or motivation for the pending claims.

Claim 7

Klug fails to teach “transmitting data representative of the usage to the user by way of a monitor window when the user is connected to any other website on the communication network, such that the user can simultaneously view the data representative of the usage and any other website,” as recited in claim 7.

The Examiner admits that Hoyer fails to disclose the element of claim 7 recited above, but indicates that Klug, “in the same usage monitoring environment,” discloses this claim element by “allowing user to view the usage such as data loading process when the user logs in to a web site,” and refers to the Abstract, figs. 1 and 2, col. 4, lines 30-56 and col. 5, line 5 to col.

6, line 21. *Office Action*, p. 3-4. However, the “data loading process” is not “usage data,” as it provides no information about the usage of a website by a user. The “data loading process,” discussed at col. 6, lines 8-13, is actually the commonly known browser status bar, which only provides the user with information on how much of the web site has been loaded to the browser. Klug specifically describes the “status of the loading process” as “indicating the percentage of loading that is complete and the size of the file or other data unit being downloaded.” *Klug*, col. 6, lines 10-13. The status bar, of course, has nothing to do with “usage information” or “usage of the monitored website,” as recited in claim 7, since the status bar provides no information on the users who are using the web site.

The Applicant herein amends claim 7 to further clarify that “the usage is information about the users who have viewed or are currently viewing the monitored website.” Support for the amendment is found throughout the Specification, but specifically on p. 8, lines 11-19. The Applicant asserts that neither Klug nor Hoyer, taken alone or in combination, teach monitoring usage of a web site where the usage is information about the users who have viewed or are currently viewing the monitored website. Klug is limited only to performance data about a web site (*Klug*, col. 10, lines 45-47; col. 11, lines 19-21), and not usage data pertaining to the users who are viewing or have viewed the site.

In addition, Klug fails to describe transmitting data so that the user can *simultaneously* view the usage data and another website, as specifically stated in claim 7. The invention of Klug is specifically directed to presenting a “waiting time message,” such as an advertisement, to a user “*during the waiting time between* web site selection (216) and the initiation of web site page

display (224).” *Klug*, col. 6, lines 6-7 (emphasis added). Therefore, the “waiting time message” is displayed *before* the web site, not simultaneously with the web site. Referring to Fig. 4, Klug specifically states that it displays the waiting time message until a “monitor message” identifies that the web site has loaded (step 436). Klug continues:

“Upon identifying such a message, the program terminates (438) the waiting time messages and the user node proceeds to display (440) the web site information as usual. In this manner, *the messages are provided only during the waiting time and do not delay or interfere with the user’s Internet session.*”

Klug, col. 8, lines 47-53. Therefore, Klug not only fails to disclose where the user can simultaneously view data and another web site, but Klug actually *teaches away* from providing data at the same time as the viewer is displaying the web site, since Klug does not want to “delay or interfere” with the user’s Internet session.

Finally, The Applicant submits that the invention of Klug is not directed to “the same usage monitoring environment” as the invention of the pending claims, as Klug is only directed to presenting an advertisement or commercial message to a user while a web site is loading on the user’s browser. As described in the Abstract of Klug, the invention involves “monitoring a user node to identify a web site access request,” which only monitors when a user attempts to load a web site so that the inventive system can provide a “waiting time message” to the use while the user waits for the web site access request to be fulfilled. There is no mention or indication in Klug of monitoring “usage data,” such as information about the number and type of users accessing a web site.

For at least the reasons stated above, the Applicant submits that Klug, taken alone or in combination with Hoyer, fails to teach, suggest or provide any motivation for the elements of claim 7, as required for a rejection under 35 U.S.C. § 103(a). The Applicant respectfully requests that the rejection of claim 7 be withdrawn.

Claims 14, 15 and 21

The Applicant submits that claims 14, 15 and 21 are allowable for at least the same reasons as claim 7, as claims 14, 15 and 21 recite similar claim elements directed to transmitting data representative of the usage to the user by way of a monitor window when the user is connected to any other website on the communication network, such that the user can simultaneously view the data representative of the usage and any other website.

Furthermore, the Applicant has similarly amended claims 14, 15 and 21 to recite that the usage is information about the users who have viewed or are currently viewing the monitored website, which the Applicant points to as further evidence of the distinction between the claimed invention and the cited reference to Hoyer and Klug. The Applicant respectfully requests that the rejections of claims 14, 15 and 21 be withdrawn.

Claims 8-11, 20 and 22-26

The Applicant additionally submits that claims 8-11, 20 and 22-26 are allowable at least based on their dependency to their respective independent claims 7 and 21, discussed immediately above.

Claim 20

The Applicant points out that neither Klug nor Hoyer, taken alone or in combination, teach the elements of claim 20, where the usage information comprises “an indication of a most-popular next-visited web site for a plurality of users; an indication of web sites visited by the plurality of users prior to visiting the first web site; and an indication of when and for how long the plurality of users visited the first web site.”

The Examiner cites to using “server history” and “cluster history” in Klug as teaching these examples of usage information, but Klug does not disclose or even suggest the ability to record this type of usage information. As the Applicant pointed out above with regard to claim 7, since Klug is not directed to using usage information, but rather providing a “waiting time message” to a user who is loading a web site, Klug cannot teach where usage information comprises such information as the most popular next-visited web site or the web site visited by the plurality of users prior to visiting the first web site, as specified in claim 20.

The “server history” and “cluster history” in Klug provide no information on tracking any type of usage information, as they only appear to track the “performance of the monitored web sites,” in terms of the hits/second and response time of the web server. *Klug*, col. 10, lines 45-47; col. 11, lines 19-21.

II. Conclusion

AMENDMENT UNDER 37 C.F.R. § 1.111 and § 1.121
U.S. Appln. No.: 09/422,387

Attorney Docket No.: Q105533

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: February 17, 2009